



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
Chief Executive Officer

January 16, 2014

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To: Supervisor Don Knabe, Chairman  
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Supervisor Zev Yaroslavsky  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

## SACRAMENTO UPDATE

### Executive Summary

This memorandum contains reports on the following:

- **Pursuit of Position to Support SB 833 (Liu).** SB 833 would authorize a county sheriff to offer a voluntary program to inmates who can choose to stay in a custody facility for up to 16 additional hours after completion of their sentence or a judicial release order, in order to be discharged to a treatment center or during daytime hours. Therefore, unless otherwise directed by the Board, consistent with existing Board-approved policy to support legislation to encourage local agencies to collaboratively prepare and implement inmate plans for treatment and programming, **the Sacramento advocates will support SB 833.**
- **Status of County-Sponsored Legislation**
  - **County-sponsored AB 1065 (Holden)** - related to Mentally Disordered Offenders, passed the Assembly Public Safety Committee on January 14, 2014.
- **Status of County-Advocacy Legislation**
  - **County-opposed AB 194 (Campos)** - related to the Brown Act, passed the Assembly Local Government Committee on January 15, 2014.

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- **County-opposed SB 388 (Lieu)** - related to the Peace Officer Bill of Rights and the Firefighters Procedural Bill of Rights passed the Senate Public Safety Committee on January 14, 2014.
- **Update on Legislation of County Interest**
  - **AB 1363 (Hernández)** - related to prohibitions on General Law cities from eliminating police or fire protection departments without approval of a majority of voters.
  - **SB 573 (Lieu)** - related to the expansion of the types of vehicles authorized as emergency vehicles to include any vehicle owned and operated by a hospital designated by Los Angeles County as a disaster resource center hospital, passed the Senate Transportation and Housing Committee on January 14, 2014.

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#### **Pursuit of County Position on Legislation.**

**SB 833 (Liu)**, which as introduced on January 6, 2014, would authorize a county sheriff to offer a voluntary program to any inmate who, upon completion of a sentence or a release order by the court, could choose to stay in the custody facility for up to 16 additional hours or until normal business hours, whichever is shorter, in order to be discharged to a treatment center or during daytime hours.

Existing law authorizes the sheriff to discharge a prisoner from a county jail at a time on the last day of an inmate's sentence that the sheriff considers to be in the best interest of that prisoner and requires the accelerated release of inmates upon authorization of a judge. However, existing law does not allow the sheriff to hold an inmate beyond the completion of an inmate's sentence or after a judicial order for release. This creates situations in which sheriffs are legally required to release inmates after hours, sometimes in the middle of the night and/or at times when community-based providers are unable to arrange transportation to a previously arranged treatment program.

SB 833 will allow a sheriff to implement a voluntary program whereby inmates can request to stay for up to 16 additional hours or until normal business hours after completion of their sentence or a judicial release order, in order to be transported to a treatment program, supportive housing or other community-based program and/or to be released during daytime hours.

According to the Sheriff's Department, SB 833 will assist in reentry planning and in the transition of individuals from custody to the community in a safe and effective manner. By allowing inmates to voluntarily remain in a custody facility for a limited period until such a time that a treatment provider can provide transportation, this measure will provide an additional tool to sheriffs and community-based providers involved in providing services to those reentering from custody. Furthermore, allowing inmates to remain in a custody facility until daytime hours when it is safer and easier to arrange for transportation will avoid scenarios in which inmates are released at a time when they are uncomfortable or unable to navigate to a known and safe place. According to the Sheriff's Department, SB 833 will have minimal cost impact to the department and should not create any significant pressure on jail space as there are options for holding these individuals in non-locked areas such as the visitor center.

Therefore, unless otherwise directed by the Board, consistent with existing Board-approved policy to support legislation to encourage local agencies to collaboratively prepare and implement inmate plans for treatment and programming, **the Sacramento advocates will support SB 833.**

SB 833 is sponsored by the Los Angeles County Sheriff and is currently in the Senate pending assignment to committee.

#### **Status of County-Sponsored Legislation**

**County-sponsored AB 1065 (Holden)**, which as amended on January 6, 2014, would provide that in the event the decision to certify an individual as a Mentally Disordered Offender is reversed, the court would be required to stay the release order for 30 working days and would require the California Department of Corrections and Rehabilitation, upon determination that the offender is eligible for county supervision under Post-Release Community Supervision, to notify the probation department of the county of supervision within five working days of the court order, and to work with the county to coordinate the orderly and safe release of the offender. AB 1065 passed the Assembly Public Safety Committee by a vote of 7 to 0 on January 14, 2014, and now proceeds to the Assembly Appropriations Committee.

#### **Status of County-Advocacy Legislation**

**County-opposed AB 194 (Campos)**, which as amended on January 6, 2014, would allow a district attorney or any interested party to commence judicial determination to declare an action taken by a local governing body as null and void if it is determined that

the legislative body violated the Brown Act's public comment provisions, passed the Assembly Local Government Committee by a vote of 5 to 0 on January 15, 2014, and now proceeds to the Assembly Floor.

**County-opposed SB 388 (Lieu)**, which as amended on April 8, 2013, would expand the various investigation rights and protections provided to public safety officers and firefighters, under the Peace Officer Bill of Rights and the Firefighters Procedural Bill of Rights, to situations where an officer or firefighter is subject to interrogation, but not formally under investigation, was amended on January 6, 2014.

As amended, SB 388 would extend the entitlement of representation to any public safety officer or firefighter interviewed as part of an investigation of another public safety officer or firefighter in interrogation matters that may result in punitive action against the officer being interviewed.

The Chief Executive Office Employee Relations Branch notes that under current County procedures, an employee who is being interviewed as a witness in an investigation is allowed representation if he/she feels that the investigation could result in punitive action against them. However, the Sheriff's Department notes that the amended language is vague and ambiguous as to what could constitute questioning or interrogation for matters that may lead to punitive action. As such, the Sheriff's Department indicates that broad interpretation of these provisions could encourage officers to request representation for any and all questioning; increasing litigation costs and creating an undue administrative burden. The Fire Department concurs with the Sheriff's Department's concerns.

The Department of Health Services' Emergency Medical Services (DHS-EMS) Agency notes that it is common and necessary for health care professionals to question and be questioned regarding decisions and performance as it relates to patient care and their occupational duties. Without this easy, rapid form of communication, patient safety and care can be jeopardized. In addition, as part of their duties, firefighters frequently care for, manage, and transport patients to hospitals. As part of the EMS system, firefighters are constantly exchanging information with physicians, nurses and other health care professionals. The majority of incidents require simple exchange of information, clarification of what occurred, such as changes in a patient's condition, extended extrication time which may have caused a delay in care, etc., or a determination that re-training is needed on the use of a piece of equipment. According to DHS-EMS, extending the proposed investigation rights to witnessed incidents could obstruct simple communication to the point of jeopardizing patient safety. DHS-EMS also indicates that the language in SB 388 may result in punitive action and may be problematic because it is unknown if an incident will evolve into a situation requiring punitive action.

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This office, the Sheriff's Department, the Department of Health Services, and the Fire Department recommend continued opposition of SB 388. Therefore, unless otherwise directed by the Board, consistent with Board approved policies to oppose: 1) legislation that mandates or authorizes compensation or benefit changes without approval of the Board of Supervisors, and 2) new unfunded mandates unless they promote a higher priority, and unless otherwise directed by the Board, **the Sacramento advocates will continue to oppose SB 388.**

SB 388 passed the Senate Public Safety Committee by a vote of 6 to 0 on January 14, 2014. This measure now proceeds to the Senate Appropriations Committee.

#### **Legislation of County Interest**

**AB 1363 (Hernández)**, which as amended on January 6, 2014, would prohibit the legislative body of a General Law city from eliminating its entire police or fire protection department except by an ordinance that is approved by a majority of the voters voting on the issue at a local election. AB 1363 is currently pending hearing in the Assembly Committee on Local Government.

**SB 573 (Lieu)**, which as amended on April 4, 2013, would expand the types of vehicles authorized by the Commissioner of the California Highway Patrol as emergency vehicles to include any vehicle owned and operated by a hospital designated by Los Angeles County as a disaster resource center hospital. The authorization would apply exclusively to vehicles used to transport mass-casualty decontamination apparatus medical supplies, lifesaving equipment or personnel to the scene of an emergency at the request of a fire department or law enforcement agency, a hospital incident management team, the Los Angeles County Emergency Medical Services Agency, or any public agency responsible for providing local emergency services. On January 6, 2014, SB 573 was amended to require the designated hospitals to provide emergency vehicle operations training to staff operating these vehicles. SB 573 passed the Senate Transportation and Housing Committee by a vote of 11 to 0 on January 14, 2014, and now proceeds to the Senate Appropriations Committee.

We will continue to keep you advised.

WTF:RA  
MR:KA:IGEA:ma

c: All Department Heads  
Legislative Strategist